

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK CLARK,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>8/31/09</u>
DATE FILED: <u>8/31/09</u>

Plaintiff,

-v-

OFFICER NICOLES, et al.,

Defendants.

08 Civ. 2206(GEL)

ORDER

GERARD E. LYNCH, District Judge:

The pro se plaintiff commenced this action on March 5, 2008 by filing a summons and complaint. In October, 2008, Magistrate Judge Pitman reviewed the case file and found that the summons and complaint had not been served. On October 20, 2008, Magistrate Judge Pitman issued an order directing that plaintiff show cause by December 22, 2008 why the action should not be dismissed for failure to serve the summons and complaint within the 120-day time limit established by Rule 4(m), Fed. R. Civ. P.

On March 3, 2009, Magistrate Judge Pitman issued a report and recommendation that the action be dismissed. No party filed an objection within the 10 day statutory period. Accordingly, it is hereby ORDERED that this case is dismissed.

SO ORDERED.

Dated: New York, New York

August 31, 2009


GERARD E. LYNCH
United States District Judge